

BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

Meeting Minutes: June 1, 2011

Members in Attendance: Julia Forgue, Fred Kurdziel, Frank McLynch, Dr. Gene Park, Bill Patenaude, Jon Schock and Tom White

**Others in Attendance: Marisa Desautel, Esq. and Traci Pena, RIDEM
Robert Bozikowski, Atlantic States Rural Water & Wastewater Assoc.**

Mr. Patenaude called the June 1, 2011 meeting to order. The first order of business was the review of the draft open May 2011 meeting minutes.

Mr. White motioned to approve the open May 2011 meeting minutes. Mr. Kurdziel seconded the motion. With all eligible members present voting in favor the motion passed. Mr. Schock and Ms. Forgue abstained as they were not present at the May 2011 meeting.

The next item discussed were the draft May 2011 executive session meeting minutes.

Mr. McLynch motioned to approve the executive session May 2011 meeting minutes with the addition of Mr. Kurdziel to the attendance list. Mr. White seconded the motion. With all eligible members present voting in favor the motion passed. Mr. Schock and Ms.

Forgue abstained as they were not present at the May 2011 meeting.

The next agenda item discussed was the policy discussion on part-time wastewater/water superintendents. Mr. Patenaude noted that it has come to his attention that presently a relatively few number of smaller Rhode Island facilities may be considering consolidating their wastewater and drinking water management operations. Mr. Patenaude had concerns that in such situations there would only be a part-time superintendent on site. Mr. Schock could sympathize with a community in this position; however, he maintained that once the Board issues a license to an individual, the presumption is that the Board recognizes that the individual can work at any facility with the license. While such concerns could be provided for in the Regulations, such matters would need to be determined on a case-by-case basis. Mr. Schock also thought that the term “part-time” is too vague for discussion purposes; such issues should be limited to a specified number of hours. It was noted that the definitions section for employment could state full-time employment unless otherwise noted, and to include a minimum of 35 hours per week in defining “full-time” employment. Mr. Kurdziel had concerns about dual coverage at both wastewater and drinking water operations. He was concerned emergency situations; the superintendent may need to manage emergency events at the same time. He did suggest that such a dual role would be more feasible at Grade 1 or 2 facilities. Mr. Patenaude will draft language addressing this issue and present it to the Board at the next meeting.

The next item discussed was Draft Regulation Revisions/Mandatory Training Proposals. Mr. Patenaude met with DEM Director Janet Coit who endorsed the concept of certifying a training program at the facilities, which would include an assessment tool for gauging the effectiveness of such programs. Mr. Patenaude presented to the Board draft language of what such language may state. Mr. Schock expressed significant opposition based on his concerns that given economic realities, communities could not be given another task; he also questioned why the NWPCA has not been part of the discussions on such mandatory training. Mr. Schock also requested a fiscal impact statement and suggested that any such requirement could be modeled after a template for Emergency Action Plans for Dams. Mr. Patenaude noted that the DEM Operations and Maintenance regulations already include language for requiring training—and that the DEM could then itself develop minimum standards for training—but he would prefer for the Board to take the lead with regards to training. He reminded the Board of § 42-17.4-5(9) in its enabling legislation, which states that the Board is to “encourage all operators to attend classes, seminars, and/or other educational programs periodically to keep abreast of changes and advances in the fields of wastewater treatment and management.” In discussing the particular element of a proposed survey of operators, Ms. Forgue questioned the effectiveness and unintended consequences of such an approach. Through speaking to his constituents, Mr. McLynch similarly stated that potential issues that

could occur related to operators' involvement in an assessment process. Mr. Kurdziel responded that, nevertheless, any such mandatory training program would benefit from a system to evaluate training effectiveness and needs. Mr. White thought the proposed language was a good "first step" and that it made sense to implement such a training system for the facilities.

Mr. Patenaude motioned to seek an advisory opinion from the Board that the language presented is the philosophy or language the Board should pursue to include in the draft Regulations. Mr. White seconded the motion. Ms. Forgue, Dr. Park and Messrs. Kurdziel, McLynch, Patenaude and White voted in favor of the motion. Mr. Schock opposed the motion. As such, the motion passed.

Mr. Patenaude will be meeting with Director Coit to update.

The next item discussed was the consideration of a Summer 2011 exam.

Mr. Patenaude motioned to offer a Summer 2011 exam. Ms. Forgue seconded the motion. With all members present in favor the motion passed.

The next item on the agenda was any enforcement activity.

Per §42-46-4 and §42-46-5(a)(4) Mr. Patenaude motioned to convene

into executive session in order to discuss an issue at a Rhode Island wastewater treatment facility related to possible civil or criminal misconduct. Mr. Kurdziel seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Ms. Forgue, Mr. Schock and Dr. Park all voting in the affirmative.

A motion was made by Mr. Patenaude to submit a letter of warning to all operators supplied related to the October 2010 event in question. The letter should note that all operators' actions may impact the operations of the entire wastewater facility, thereby threatening the waters of the State and the citizens of Rhode Island. This letter would remain in the file for one year. The letter would also invite the operators to provide additional information should they feel like the letter had been sent in error. Mr. White seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Ms. Forgue, Mr. Schock and Dr. Park all voting in the affirmative.

Mr. Patenaude motioned to seal the June 2, 2011 Executive Session meeting minutes. Mr. White seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Ms. Forgue, Mr. Schock and Dr. Park all voting in the affirmative.

Mr. Patenaude motioned to resume the meeting into open session. Mr. McLynch seconded the motion. All members voted in favor. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Ms. Forgue, Mr. Schock and Dr. Park all voting in the affirmative.

With no further business, Mr. Patenaude motioned to adjourn the meeting. Mr. Kurdziel seconded the motion. All other members present voted in favor, and as such, the motion passed.

The next meeting is scheduled for Wednesday, August 3, 2011 at 9:30 a.m. at the RIDEM Office located at 235 Promenade St., Providence, RI.